

1 North Carolina State Consumer & Family Advisory Committee

2
3 By-Laws

4 Revised September 9, 2010

5 Approved November 4, 2010

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8 **ARTICLE 1. NAME**

9 The name of this committee is the State Consumer and Family Advisory Committee
10 (SCFAC).

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12 **ARTICLE 2. PURPOSE**

13 There is established the State Consumer and Family Advisory Committee (State CFAC).
14 The State CFAC shall be a self-governing and self-directed organization that
15 advises the Department and the General Assembly on the planning and management of
16 the State's public mental health, developmental disabilities, and substance abuse services
17 system.

18
19 The State CFAC shall undertake all of the following:

- 20 • Review, comment on, and monitor the implementation of the State Plan for
- 21 Mental Health, Developmental Disabilities, and Substance Abuse Services.
- 22 • Identify service gaps and underserved populations.
- 23 • Make recommendations regarding the service array and monitor the
- 24 development of additional services.
- 25 • Review and comment on the State budget for mental health, developmental
- 26 disabilities, and substance abuse services.
- 27 • Participate in all quality improvement measures and performance
- 28 indicators.
- 29 • Receive the findings and recommendations by local CFACs regarding
- 30 ways to improve the delivery of mental health, developmental disabilities,
- 31 and substance abuse services.
- 32 • Provide technical assistance to local CFACs in implementing their duties.

33 **ARTICLE 3. MISSION**

34 The mission of the State CFAC is to:

- 35 • Support the development of consumer services by identifying needs and gaps in services
- 36 and promoting services that are effective and meet high quality standards
- 37 • Support CFAC growth and development at state and local level
- 38 • Support individual consumer and family participation at state and local
- 39 level

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41 **ARTICLE 4. SUPPORT TO THE STATE CFAC**

42 The Secretary shall provide sufficient staff to assist the State CFAC in
43 implementing its duties under subsection (c) of this section. The assistance shall
44 include data for the identification of service gaps and underserved populations,
45 training to review and comment on the State Plan and departmental budget,
46 procedures to allow participation in quality monitoring, and technical advice on
47 rules of procedure and applicable laws. State CFAC members shall receive the per
48 diem and allowances prescribed by G.S. 138-5 for State boards and commissions."

49
50 **ARTICLE 5. MEMBERSHIP**

51 The State CFAC shall be composed of 21 members. The members shall be
52 composed exclusively of adult consumers of mental health, developmental
53 disabilities, and substance abuse services; and family members of consumers of
54 mental health, developmental disabilities, and substance abuse services.

1 **Section 1. Recruitment of Members**

2 Recruitment of committee members is the responsibility of the appointing
3 authorities.

4
5 **Section 2. Term of Office**

6 The terms of members shall be three years, and no member may serve more than
7 two consecutive terms. Vacancies shall be filled by the appointing authority. The
8 members shall be appointed as follows:

- 9 • Nine by the Secretary. The Secretary's appointments shall reflect each of
10 the disability groups. The terms shall be staggered so that terms of three of
11 the appointees expire each year.
- 12 • Three by the General Assembly upon the recommendations of the
13 President Pro Tempore of the Senate, one each of whom shall come from
14 the three State regions for institutional services (Eastern Region, Central
15 Region, and Western Region). The terms of the appointees shall be
16 staggered so that the term of one appointee expires every year.
- 17 • Three by the General Assembly upon the recommendations of the Speaker
18 of the House of Representatives, one each of whom shall come from the
19 three State regions for institutional services (Eastern Region, Central
20 Region, and Western Region). The terms of the appointees shall be
21 staggered so that the term of one appointee expires every year.
- 22 • Three by the Council of Community Programs, one each of whom shall
23 come from the three State regions for institutional services (Eastern
24 Region, Central Region, and Western Region). The terms of the appointees
25 shall be staggered so that the term of one appointee expires every year.
- 26 • Three by the North Carolina Association of County Commissioners, one
27 each of whom shall come from the three State regions for institutional
28 services (Eastern Region, Central Region, and Western Region). The terms
29 of the appointees shall be staggered so that the term of one appointee
30 expires every year.

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32 **Section 3. Resignation**

33 A member may resign by giving written notice to the Secretary of DHHS, SCFAC
34 Chairperson, Division Support Staff and the appropriate appointing authority.

35
36 **Section 4. Attendance**

37 SCFAC members shall attend each scheduled meeting in its entirety.

38
39 Excused absences consist of illness or personal/family emergency or hardship. The
40 final decision regarding an excused absence shall be made by the Chair.

41
42 Three unexcused absences within a year will require the Chairman to contact the
43 member as to his/her ability or interest in remaining a member. The Chairman will
44 report this to the appointing authority.

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46 Four unexcused absences will require the Chairman's recommendation to the
47 appointing authority that a replacement should be appointed.

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50 **ARTICLE 6. OFFICERS**

51 **Section 1. Number**

52 The officers of the SCFAC shall be the Chair and Vice-Chair. The same person
53 may not hold both offices. The SCFAC may elect Co-Chairs and/or Co-Vice
54 Chairs. The SCFAC may elect other officers with powers and duties consistent
55 with these Bylaws and as determined by the SCFAC.

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58 **Section 2. Election Term of Office, and Qualifications**

1 A Nominating Committee composed of at least three members shall be nominated
2 from the floor prior to the election.
3
4 The Chair and Vice Chair shall be nominated by the Nominating Committee at the
5 next to last meeting of the fiscal year for election at the last meeting of the fiscal
6 year in even numbered years.
7
8 The Chair shall be elected for a term of 2 years and may not serve a second
9 consecutive term.
10
11 The Vice Chair shall be elected for a term of 2 years and may not serve a second
12 consecutive term. The Vice Chair may subsequently be elected Chair.
13
14 Officers are elected by a majority of the members.
15
16 **Section 3. Vacancies**
17 In case an office becomes vacant, the majority of the members of the SCFAC shall
18 elect an officer at the next meeting to fill the vacancy for the remainder of that term.
19 **Section 4. Chair**
20 The Chair shall preside at all meetings of the SCFAC. He/she shall generally have
21 charge and supervision of the affairs of the SCFAC, shall be responsible for the
22 development of the meeting agenda, and shall perform such other duties as may be
23 assigned by the SCFAC.
24
25 The Chair shall be the official representative of the SCFAC in all situations where
26 representation is appropriate and shall reflect the will or intention of the Committee
27 rather than his/her own opinion, if those should differ.
28
29 The Chair is the primary liaison with support staff and with the Division of
30 MH/DD/SAS.
31
32 The Chair shall appoint committee chairs in consultation with members of the
33 SCFAC.
34
35 **Section 5. Vice Chair**
36 At the request of the Chair, or in the event of the Chair's absence or incapacity, the
37 Vice Chair shall perform the duties and possess the power of the Chair and shall
38 have such other powers as the SCFAC may assign.
39
40 **Section 6. Removal**
41 Any officer may be removed from office by the affirmative vote of two-thirds of all
42 of the members of the SCFAC at any regular or special meeting called for that
43 purpose, for conduct detrimental to the mission and purpose of the Committee,
44 violation of the code of conduct, and/or for refusal or inability to fulfill the
45 responsibility of the Office. Any officer proposed to be removed shall be entitled to
46 at least fourteen days notice in writing by mail of the meeting of the SCFAC at
47 which removal is to be voted upon and shall be entitled to appear before and be
48 heard by the SCFAC at the meeting. Any officer may resign from office by giving
49 written notice to the Chair of the SCFAC.
50
51 The appointing authority has authority to remove members. Therefore, the SCFAC
52 must submit a written recommendation to the appointing authority to remove for
53 cause that must include justification with specific reason(s).
54
55 **Section 7. Resignation**
56 An Officer may resign by giving written notice to the Secretary of DHHS, SCFAC
57 Chairperson, Division Support Staff and the appropriate appointing authority.
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1 **ARTICLE 7. COMMITTEES**

2 The SCFAC shall elect a Nominating Committee, Standing Committees and Ad
3 Hoc Committees as necessary. The Chair shall appoint the committee chairs. In the
4 establishment of a committee, the Chair, or the SCFAC by resolution, must identify:
5 The specific task and the time frame to accomplish the task.
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7 **ARTICLE 8. MEETINGS**

8 **Section 1. Regular Meetings**

9 Members of the SCFAC will meet a minimum of six times a year at the date, place,
10 and time specified by the SCFAC for the purpose of transacting business and
11 electing officers.
12

13 **Section 2. Executive Leadership Team Meetings**

14 Representatives of the SCFAC shall meet monthly with the Division of
15 MH/DD/SAS Executive Leadership Team. SCFAC will be represented by the Chair
16 and/or Vice Chair. The Chair, in consultation with the members, may invite other
17 committee chairs or members to attend to offer particular expertise or to report
18 SCFAC activities.
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21 **Section 3. Meetings with the Secretary DHHS**

22 At least annually in a regular meeting the SCFAC shall meet with the Secretary of
23 DHHS to present its position on the progress of the Division of MH/DD/SAS in
24 meeting the goals of system reform and the outcomes identified in the State
25 MH/DD/SAS Plan. The SCFAC will place the meeting with the Secretary on the
26 agenda in the last quarter. Additional meetings with the Secretary of DHHS may be
27 scheduled as necessary.
28

29 **Section 4. Special Meetings**

30 Special meetings may be called by the Chair or by at least 1/3 of the members.
31

32 **Section 5. Notice of Meetings**

33 Notice of all regular meetings shall be made by email or mail at least 14 days before
34 the meeting to the address designated for such contacts by each member. Special
35 meetings require at least 5 days notice. Notice of meeting date, time, and place shall
36 be filed each month by the staff liaison with the Secretary of State in accordance
37 with the law.
38

39 **Section 6. Business to be Transacted**

40 All meetings shall comply with North Carolina Open Meetings statute.
41

42 The Chair shall develop the agenda in collaboration with the staff liaison in advance
43 of each meeting based on consultation with the vice chair and committee chairs and
44 member discussion at the previous meeting. The agenda shall be distributed with
45 the meeting notice.
46

47 Any business may be transacted at any SCFAC meeting provided it is listed on the
48 agenda for that meeting. The agenda may be amended at the beginning of the
49 meeting by a majority of the members present and voting. Agenda items designated
50 for "action" may be discussed before a motion is made unless chair rules otherwise.
51

52 For special meetings, the Chair shall prepare an agenda to address the purpose of
53 the special meeting. No other agenda item may be added to the agenda of a special
54 meeting.
55

56 Minutes of all meetings will be taken by the staff liaison and distributed with the
57 meeting notice. Minutes must be approved by the SCFAC at the next regular
58 meeting.
59

1 The SCFAC may hold closed sessions as provided by law. The SCFAC shall
2 commence a closed session only after a motion to go into closed session has been
3 made and adopted during an open meeting. The motion shall state the purpose of
4 the closed session. The motion to go into closed session must be approved by a vote
5 of the majority of those present and voting. The staff liaison will be present at all
6 closed meetings to take minutes. The SCFAC shall terminate the closed session by
7 a majority vote.

8

9 **Section 7. Voting**

10 Each member is entitled to one vote on each matter submitted to a vote.

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12 The SCFAC will strive to reach decisions by consensus. Where consensus is not
13 possible, decisions will be made by a majority of the total membership. Members
14 are permitted to vote by proxy as determined by rules of procedure adopted by the
15 SCFAC.

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17 **Section 8. Conduct of Meetings**

18 The Chair shall preside over each meeting of the members. The Vice Chair shall
19 preside in the Chair's absence. The priority of authority for conduct of procedure
20 will be the SCFAC Rules of Procedure and issues not covered will reference
21 *Suggested Rules of Procedure for Small Local Government Boards* (A. Fleming
22 Bell, 1998), and finally Robert's Rules of Order.

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24 **ARTICLE 9. AMENDMENTS**

25 The SCFAC shall have power to make, alter, amend, and repeal the Bylaws by the
26 affirmative vote of two-thirds of the members of the Committee. The action shall be
27 proposed at a regular or special meeting of the Committee and adopted at a
28 subsequent regular meeting.

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